

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of May 29, 2003.

All of the Examiner's objections and rejections are traversed. Reexamination and reconsideration are respectfully requested.

The Office Action

Claims 1-5 were presented for examination.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Gastmeier (U.S. Patent No. 4,349,082).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gastmeier in view of Massa (U.S. Patent No. 4,028,504).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bushche et al. (U.S. Patent No. 4,796,288) in view of Gastmeier.

Claims 1-5 are Distinguished From the Cited Art

With attention to rejected independent claim 1, Gastmeier is applied for its disclosure of a gasket for use with a microphone. However, Gastmeier neither teaches nor suggests a perforated membrane within said tube and constructed integrally therewith, as recited by claim 1. The present application further discloses that a thin perforated membrane is moulded into the gasket as an integral part thereof (page 3, lines 27-28). Conversely, Gastmeier discloses a non-integral membrane where an insertion tool is used to force the sandwich consisting of screen and fabric disks into the tube (col. 2, lines 11-14). Furthermore, by suggesting a fabric disk, Gastmeier teaches away from the invention. In preferring an integrally moulded solution, the present application explicitly states that cloth facings are unsuitable (page 3, line 26).

Applicants, thus, respectfully traverse the Examiner's interpretation of this claim. As claims 2-5 refer to and further define this now-distinguished claim, it is submitted that these claims are also distinguished.

With attention to rejected dependent claim 4, neither Gastmeier nor Massa disclose the length selection of this claim. Massa discloses a diameter to length (D-L) ratio of ¼ in. to

4 in. (col. 3, lines 14-17). However, claim 4 of the present application discloses a length of approximately 15 mm, which results in a significant electrostatic discharge protection not obtainable by the existing cited art.

With attention to rejected dependent claim 5, neither Gastmeier nor Bushche et al., taken alone or together, disclose the claimed configuration of this claim. Bushche et al. discloses a membrane the size of an old-style phone set ear piece with six round holes. Gastmeier discloses square holes of the dimensions 0.05 mm and in great abundance (col. 2, lines 58-59). Claim 5 of the present application discloses a membrane approximately 2.5 mm in diameter, 0.5 mm thick with 9 square holes of 0.25 mm (page 3, lines 30-31). There is a clear distinction, therefore, between the recited structure of claim 5 and the dimensions offered in both Gastmeier and Bushche et al. Thus, the design configuration recited in claim 5 provides for improved acoustical impedance characteristics not considered by the cited and applied references.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-5) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, please feel free to contact the undersigned.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP



Mark S. Svat
Reg. No. 34,261
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582